**IN HIGH COURT OF UTTARANCHAL AT NAINITAL.**

Writ Petition No. 1086 (S/S) of 2005

1. Smt. Farzana Saleem, wife of Sri Shekh Saleem.
2. Sri Shekh Saleem, son of Sri Abdul Hameed, both resident of Village – Kolidhek, P.O. – Lohaghat, District – Champawat.

**…….Petitioners.**

Versus.

1. State of Uttaranchal through Secretary, Basic Education, Government of Uttaranchal, Dehradun.
2. Deputy Secretary / Uppar Sachiv, Shiksha (Madhyamik /Uchch), Uttaranchal Shashan, Dehradun.
3. Director of Education (Basic), Government of Uttaranchal, Dehradun.
4. District Basic Education Officer / Zila Shiksha Adhikari, District- Champawat.
5. Uppar Zila Shiksha Adhikari / Deputy District Education Officer, District – Champawat.

**…….Respondents.**

**Hon'ble M.M. Ghildiyal, J.:**

Heard Sri K.S Bora, learned counsel for the petitioners and learned standing counsel, who has accepted notices on behalf of the respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners have prayed to issue a writ in the nature of Mandamus directing the respondent no. 5 to decide the representation of the petitioners in accordance with the Clause 15 of the Government Order dated 24.05.2004.

Petitioner no. 2, who is the husband of petitioner no.1, was posted in Jr. High School, Kainuda, Tamil, District – Champawat and the petitioner no. 1 was transferred from Primary School Majeda to Pasam, Lohaghat by order dated 21.05.2005. The distance from Pasam to Kainuda is more than 100 kms. Petitioners have three children aged about 8 years, 6 years and 1 1/2 years. Petitioner's father and mother are aged about 70 years and there is no body to look after them. The mother and father of the petitioners are residing at Kolidhek, P.O. Lohaghat, which is more than 100 kms from Pasam.

Learned counsel for the petitioners has submitted that by transferring petitioner no. 1 from Majeda to Pasam, the petitioners have been put to great difficulty. Learned counsel for the petitioner is relying upon Clause 15 of the Government Order dated 24.05.2005, which states that if the husband and wife both are working as a teachers in the Government Department they may be placed at one place as far as possible.

In view of the aforesaid Government Order, petitioners have already moved representations before respondent no. 5 to place the petitioners at one place so that they may look after their parents as well as children. Petitioners have made representations before respondent no. 5 on 24.05.2005 and 08.07.2005, which are Annexure nos. 3 and 6 to the writ petition. However, no action has been taken by the respondent no. 5 on the representations of the petitioners.

Learned counsel for the petitioners has submitted that petitioner no. 1 has yet not been relieved from Majeda and still working in the Primary School, Majeda.

Considering all these facts, it will be in the interest of justice if respondent no. 5 is directed to decide the representation of the petitioners at the earliest.

Consequently, the writ petition is disposed of with a direction to respondent no. 5 to take decision on the petitioners' representations dated 24.05.2005 and 08.07.2005, which are Annexure nos. 3 and 6 to the writ petition within a period of ten days from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J.)**

August 2, 2005
SkSharma